

ORIGINAL

March 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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FILED
MAR 15 2010
2nd JUDGE
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**IN THE SUPREME COURT OF THE
STATE OF MONTANA**

Supreme Court Cause No.: DA 10-0069

MM&I, LLC, a Montana Limited)	Gallatin Co. District Court
Liability Company,)	Cause No. DV-03-471C
)	
Plaintiff/Appellant,)	
v.)	UNOPPOSED
)	MOTION TO ALLOW
BOARD OF COUNTY)	PARTIES' SELECTION
COMMISSIONERS OF GALLATIN)	<u>OF MEDIATOR</u>
COUNTY, a political subdivision of the)	
State of Montana, a John Does 1 through 3,)	
)	
Defendant/Appellee.)	

COME NOW the parties and advise that they have agreed to and selected Daniel J. Roth as mediator for purposes of complying with requirements of M.R. App. P. 7(4)(c). Counsel for Defendant/Appellee forwarded to counsel for plaintiff/appellant a stipulation which he was to file with the Clerk of the Supreme

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Court upon signing the same. On March 12, 2010, the undersigned received an Order selecting Leslie Ann Budewitz as mediator as the parties had failed to file their stipulation by March 9, 2010.

For the following reasons, the parties request this Court to allow the selection of Dan Roth as mediator:

1. The undersigned believes there would be a conflict between the appointed mediator and herself,

2. The parties had jointly agreed to have Dan Roth act as mediator and were in the process of signing and filing a Notice of Selection of Mediator;

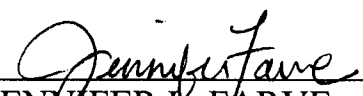
3. Mr. Roth had agreed to the appointment; and

4. March 31, 2010 has been agreed to as the date to hold the mediation.

5. Counsel for Appellant has been contacted and does not oppose this motion.

A proposed Order is attached hereto for the Court's consideration.

RESPECTFULLY SUBMITTED this 12th day of March, 2010.

BY: 
JENNIFER L. FARVE
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County Commissioners of Gallatin County*

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing MOTION TO ALLOW PARTIES' SELECTION OF MEDIATOR with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing MOTION TO ALLOW PARTIES' SELECTION OF MEDIATOR upon each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Michael S. Kakuk
Attorney at Law
P.O. Box 624
White Sulphur Springs, MT 59645
Attorney for Plaintiff/Appellant MM&I, LLC

DATED this 12th day of March, 2010.


JENNIFER L. FARVE